

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

MAILED

AUG 29 2006

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID BOTSTEIN, AUDREY GODDARD, PAUL J. GODOWSKI,
AUSTIN L. GURNEY, MARGARET ANN ROY and WILLIAM I. WOOD

Appeal No. 2006-2641
Application No. 09/997,542

ORDER DISMISSING APPEAL

On October 28, 2005, appellants filed a Notice of Appeal. On August 2, 2006, counsel for the appellants filed a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled “Request for Continued Examination Practice and Changes to Provisional Application Practice,” 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, “will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner.”

Accordingly, the appeal in this application is dismissed.

The application is being returned to the examiner for further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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